

ORDINANCE NO. 91-28

AN ORDINANCE OF PALM BEACH COUNTY, FLORIDA, TO BE KNOWN AS THE ENVIRONMENTALLY SENSITIVE LANDS CHARTER AMENDMENT ORDINANCE; PROVIDING FOR TITLE; PROVIDING FOR ADOPTION OF AMENDMENT TO CHARTER SUBJECT TO APPROVAL OF A MAJORITY OF THE ELECTORS OF PALM BEACH COUNTY IN A REFERENDUM; PROVIDING FOR A COUNTY-WIDE ORDINANCE WHICH SHALL PREVAIL OVER MUNICIPAL ORDINANCES WHICH ARE LESS STRINGENT THAN THE COUNTY ORDINANCE RELATING TO THE REGULATION, PROTECTION, PRESERVATION, AND ACQUISITION OF ENVIRONMENTALLY SENSITIVE LANDS IN PALM BEACH COUNTY; PROVIDING FOR A MARCH 10, 1992 REFERENDUM DATE; PROVIDING FOR BALLOT LANGUAGE AUTHORIZING LEGAL ADVERTISEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR REPEAL OF ORDINANCE NO. 91-2.

WHEREAS, the Home Rule Charter of Palm Beach County, Florida, was approved by a majority of the electors of Palm Beach County at the general election held November 6, 1984; and

WHEREAS, Section 6.3 of the Charter was approved by a majority of the electors at the general election held November 4, 1986, and became effective January 1, 1987; and

WHEREAS, Section 6.3 of the Charter provides that amendments to the Charter may be proposed by the Board of County Commissioners, or by initiative, subject to approval of the electors of Palm Beach County in a referendum; and

WHEREAS, the Board of County Commissioners, has proposed charter amendments intended to provide protection and preservation of environmentally sensitive lands in Palm Beach County; and,

WHEREAS, adoption of this Ordinance will allow the electors of Palm Beach County to adopt or reject the proposed charter amendments at a referendum to be held March 10, 1992.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

Section 1. Title

This Ordinance may be cited as the "Environmentally Sensitive Lands Charter Amendment Ordinance".

Section 2. Adoption of Charter Amendment

Subject to the approval of a majority of the qualified electors of Palm Beach County voting in the referendum provided for

herein, Sections 1.3(5) is created to read, and 3.3 of the Home Rule Charter of Palm Beach County is amended to read, respectively, as follows:

TITLE

Sec. 1.3. Scope of county ordinances; conflict with municipal ordinances.

Municipal ordinances shall prevail over County ordinances to the extent of any conflict regardless of the time of passage of the municipal ordinance, except that County ordinances shall prevail over conflicting municipal ordinances:

(5) In matters relating to the regulation, protection, preservation and acquisition of environmentally sensitive lands in Palm Beach County within the parameters set forth in Section 3.3 of this Charter.

Sec. 3.3. Protection of Health, Safety and Welfare.

It shall be the policy of the county to protect the health, safety and general welfare of all of the residents of Palm Beach County. The board of county commissioners may adopt appropriate ordinances to accomplish these purposes, including a county-wide ordinance relating to the protection of wells and wellfields by providing criteria for regulating and prohibiting the use, handling, production and storage of certain deleterious substances which may impair present and future public potable water supply wells and wellfields, and a county-wide ordinance relating to the regulation, protection, preservation and acquisition of environmentally sensitive lands in Palm Beach County.

Section 3. Referendum

Pursuant to the applicable provisions of Chapters 100 and 125, Florida Statutes, a referendum is hereby called and shall be held on March 10, 1992, at which time there shall be submitted to the electors of Palm Beach County, Florida, the following question:

CHARTER AMENDMENT PROVIDING FOR POWER TO ADOPT COUNTY-WIDE ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE:

"Shall there be an amendment to the Palm Beach County Charter providing that the Palm Beach County Board of County Commissioners may adopt a county-wide ordinance relating to the regulation, protection, preservation and potential acquisition of environmentally sensitive lands in the County, which ordinance shall prevail over municipal ordinances which are less stringent than the County ordinance dealing with the same subject matter?"

Yes

No

1 Section 4. Notice

2 The Clerk of the Board of County Commissioners shall publish
3 notice of the referendum in the manner required by Section 100.342,
4 Florida Statutes.

5 Section 5. Severability

6 If any section, paragraph, sentence, clause, phrase or word of
7 this Ordinance is for any reason held by a court to be
8 unconstitutional, inoperative or void, such holding shall not
9 affect the remainder of this Ordinance.

10 Section 6. Inclusion in the Charter

11 The provisions of this charter amendment hereby approved shall
12 become and be made a part of the Charter of Palm Beach County,
13 Florida. The articles or sections of this Charter Amendment
14 Ordinance may be renumbered or relettered to accomplish such and
15 the word "amendment" may be changed to "section", "article" or any
16 other appropriate word.

17 Section 7. Effective Date of Charter Amendment

18 The charter amendment shall become law only if approved by a
19 majority of the qualified electors of Palm Beach County voting on
20 the question posed at the March 10, 1992 referendum and upon
21 completion of any official acts necessary to approve the referendum
22 results.

23 Section 8. Effective Date and Repeal of this Ordinance

24 The provisions of this ordinance shall become effective upon
25 receipt of acknowledgement by the Secretary of State. If a
26 majority of those voting on the referendum question do not approve,
27 this ordinance shall be deemed repealed effective March 31, 1992.

28 Section 9. Repeal of Ordinance No. 91-2

29 This Ordinance expressly repeals and supersedes Palm Beach
30 County Ordinance No. 91-2.

1 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
2 Beach County on the 16 day of July,
3 1991.

4 ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA

6 JOHN B. DUNKLE, CLERK

7 By: James E. Harrison
8 Deputy Clerk

By: [Signature]
Chair

9 APPROVED AS TO FORM
10 AND LEGAL SUFFICIENCY

11 [Signature]
12 County Attorney

13 Acknowledgement by the Department of State of the State of
14 Florida, on this, the 22nd day of July, 1991.

15 EFFECTIVE DATE: Acknowledgement from the Department of State
16 received on the 25th day of July, 1991, at 10:38
17 am., and filed in the Office of the Clerk of the Board of County
18 Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on 7/26/91

DATED at West Palm Beach, FL on 7/30/91

JOHN B. DUNKLE, Clerk

By: [Signature] D.C.
Deputy Clerk